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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ERNEST JORD GUARDADO,

Plaintiff,

v.

STATE OF NEVADA EX REL et al.,

Defendants.

Case No. 2:17-cv-01072-JAD-VCF

ORDER

**I. DISCUSSION**

On May 9, 2018, the Court issued a screening order dismissing some claims with prejudice, dismissing other claims without prejudice, and permitting one claim to proceed. (See ECF No. 5). The Court granted Plaintiff until June 9, 2018 to file an amended complaint curing the deficiencies of his complaint. (*Id.* at 13). The Court specifically stated that if Plaintiff chose not to file an amended complaint, the action would proceed on the retaliation claim against Guice and Bryant. (*Id.*). Plaintiff has not filed an amended complaint. Pursuant to the screening order, this action shall proceed on the retaliation claim against Guice and Bryant.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening order (ECF No. 5), this action shall proceed on the retaliation claim against Guice and Bryant.

IT IS FURTHER ORDERED that given the nature of the claim(s) that the Court has

1 permitted to proceed, this action is STAYED for ninety (90) days to allow Plaintiff and  
2 Defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is paid, an  
3 answer is filed, or the discovery process begins. During this ninety-day stay period, no  
4 other pleadings or papers shall be filed in this case, and the parties shall not engage in  
5 any discovery. The Court will refer this case to the Court's Inmate Early Mediation  
6 Program, and the Court will enter a subsequent order. Regardless, on or before ninety  
7 (90) days from the date this order is entered, the Office of the Attorney General shall file  
8 the report form attached to this order regarding the results of the 90-day stay, even if a  
9 stipulation for dismissal is entered prior to the end of the 90-day stay. If the parties  
10 proceed with this action, the Court will then issue an order setting a date for Defendants  
11 to file an answer or other response. Following the filing of an answer, the Court will issue  
12 a scheduling order setting discovery and dispositive motion deadlines.

13 IT IS FURTHER ORDERED that "settlement" may or may not include payment of  
14 money damages. It also may or may not include an agreement to resolve Plaintiff's issues  
15 differently. A compromise agreement is one in which neither party is completely satisfied  
16 with the result, but both have given something up and both have obtained something in  
17 return.

18 IT IS FURTHER ORDERED that if the case does not settle, Plaintiff will be required  
19 to pay the full \$350.00 filing fee. This fee cannot be waived. If Plaintiff is allowed to  
20 proceed *in forma pauperis*, the fee will be paid in installments from his prison trust  
21 account. 28 U.S.C. § 1915(b). If Plaintiff is not allowed to proceed *in forma pauperis*, the  
22 \$350.00 will be due immediately.

23 IT IS FURTHER ORDERED that if any party seeks to have this case excluded from  
24 the inmate mediation program, that party shall file a "motion to exclude case from  
25 mediation" on or before twenty-one (21) days from the date of this order. The responding  
26 party shall have seven (7) days to file a response. No reply shall be filed. Thereafter, the  
27 Court will issue an order, set the matter for hearing, or both.

28 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically SERVE

1 a copy of this order, the original screening order (ECF No. 5) and a copy of Plaintiff's  
2 complaint (ECF No. 6) on the Office of the Attorney General of the State of Nevada, by  
3 adding the Attorney General of the State of Nevada to the docket sheet. This does not  
4 indicate acceptance of service.

5 IT IS FURTHER ORDERED that the Attorney General's Office shall advise the  
6 Court within twenty-one (21) days of the date of the entry of this order whether it will enter  
7 a limited notice of appearance on behalf of Defendants for the purpose of settlement. No  
8 defenses or objections, including lack of service, shall be waived as a result of the filing  
9 of the limited notice of appearance.

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11 DATED THIS 20<sup>th</sup> \_\_\_\_ day of June 2018.



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13 United States Magistrate Judge  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERNEST JORD GUARDADO,  
Plaintiff,  
  
v.  
  
STATE OF NEVADA EX REL et al.,  
Defendants.

Case No. 2:17-cv-01072-JAD-VCF  
REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY

**NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.  
THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

On \_\_\_\_\_ [*the date of the issuance of the screening order*], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the date of the entry of the Court’s screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

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1 **REPORT FORM**

2 [Identify which of the following two situations (identified in bold type) describes the case,  
3 and follow the instructions corresponding to the proper statement.]

4 **Situation One: Mediated Case:** The case was assigned to mediation by a court-  
5 appointed mediator during the 90-day stay. [If this statement is accurate, check **ONE**  
6 of the six statements below and fill in any additional information as required, then proceed  
7 to the signature block.]

8 ☐ A mediation session with a court-appointed mediator was held on  
9 \_\_\_\_\_ [enter date], and as of this date, the parties have  
10 reached a settlement (even if paperwork to memorialize the settlement  
11 remains to be completed). (If this box is checked, the parties are on notice  
12 that they must SEPARATELY file either a contemporaneous stipulation of  
13 dismissal or a motion requesting that the Court continue the stay in the case  
14 until a specified date upon which they will file a stipulation of dismissal.)

15 ☐ A mediation session with a court-appointed mediator was held on  
16 \_\_\_\_\_ [enter date], and as of this date, the parties have not  
17 reached a settlement. The Office of the Attorney General therefore informs  
18 the Court of its intent to proceed with this action.

19 ☐ No mediation session with a court-appointed mediator was held during the  
20 90-day stay, but the parties have nevertheless settled the case. (If this box  
21 is checked, the parties are on notice that they must SEPARATELY file a  
22 contemporaneous stipulation of dismissal or a motion requesting that the  
23 Court continue the stay in this case until a specified date upon which they  
24 will file a stipulation of dismissal.)

25 ☐ No mediation session with a court-appointed mediator was held during the  
26 90-day stay, but one is currently scheduled for \_\_\_\_\_ [enter  
27 date].

28 ☐ No mediation session with a court-appointed mediator was held during the  
90-day stay, and as of this date, no date certain has been scheduled for  
such a session.

☐ None of the above five statements describes the status of this case.  
Contemporaneously with the filing of this report, the Office of the Attorney  
General of the State of Nevada is filing a separate document detailing the  
status of this case.

\*\*\*\*\*

23 **Situation Two: Informal Settlement Discussions Case:** The case was NOT assigned  
24 to mediation with a court-appointed mediator during the 90-day stay; rather, the  
25 parties were encouraged to engage in informal settlement negotiations. [If this  
statement is accurate, check **ONE** of the four statements below and fill in any additional  
information as required, then proceed to the signature block.]

26 ☐ The parties engaged in settlement discussions and as of this date, the  
27 parties have reached a settlement (even if the paperwork to memorialize  
28 the settlement remains to be completed). (If this box is checked, the parties  
are on notice that they must SEPARATELY file either a contemporaneous  
stipulation of dismissal or a motion requesting that the Court continue the  
stay in this case until a specified date upon which they will file a stipulation

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*of dismissal.)*

\_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Attorney Name:	_____	_____
	Print	Signature
Address:	_____	Phone: _____
	_____	_____
		Email: _____